## RE: FW: CPRA request (DCA.2018.01.14.a)

Criswell, Tiffany@DCA < Tiffany. Criswell@dca.ca.gov> From:

To:

Subject:

RE: FW: CPRA request (DCA.2018.01.14.a)

Thursday, February 15, 2018 8:24 AM Date:

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I apologize for not getting back to you yesterday. I was in meetings for a large portion of the day.

We did research our records for "memos, policy statements, rules, regulations, notes, emails, studies, research documents, board and/or committee minutes, legislative directives, and any other types of records..." related to this subject matter which are not part of complaint investigations. There are no memos, policy statements, rules, regulations, studies, research documents, minutes, legislative directives, etc., that address this issue. Notes and emails, and other types of correspondence, are kept for two years under the Board's retention policy, and we have determined there is no correspondence that is responsive to this request for the last two years. I was made aware, through recollection by Board Staff, that there have been complaint investigations related to the subject matter that resulted in opinions by licensed experts that the tax assessment reports in them did not constitute the practice of professional engineering as defined by Business and Professions Code section 6731. As you advised me, the law does not provide for me to simply advise you that I am aware of the existence of exempt documents. The law requires me to notify you if records may be responsive to your request, and authorizes me to advise you of the cost to perform the necessary cost of research to locate records and cost of reproduction of the responsive records. Should there be records identified as being responsive to your request, and it is determined they are exempt from disclosure, I am to notify you at such time. Admittedly, I was remiss in failing to provide you what I expected to be the exorbitant cost of research to determine there were records we would most certainly advise were exempt from disclosure.

We do not catalogue our complaint investigation files in a manner so as to readily identify the specific subject matter contained within them. There is no way of identifying the specific cases without reviewing every single complaint investigation filed since approximately 1997 (which I believe is the year Proposition 218 became effective and would the begin date to research case files), which number approximately 7000. Most of these cases are at an off-site storage facility and would have to be ordered and delivered here in small batches of bankers boxes.

Therefore, pursuant to Business and Professions Code section 161, and in accordance with Section 8740 of the State Administrative Manual, the Board is authorized to charge for the staff costs to research and determine what documents are responsive to your request in addition to cost to reproduce them (at \$.10 per page). We have previously consulted with legal counsel and have been advised that it is appropriate to do so. The staff costs are calculated based on the amount of hours in quarter-hour increments that the staff spends to compile multiplied by the salary and compensation of the State Civil Service Classification of the staff person(s) performing the work, using the formula established in the State Administrative Manual. It is likely the staff time for an analyst to research the records will exceed 200 hours, and will cost upwards of \$9,000.00 to \$10,000.00. Due to workload considerations, we anticipate that it could take several months to complete the research.

If you are interested in having staff conduct the research, and are willing to pay the estimated staff time over the course of time as described above, please advise accordingly. We will then provide you with an exact cost for the staff research. Once payment is received, we will begin the research as described above. In the event we deem any of these records as responsive to your request, we will advise you if they are exempt from disclosure. If it is determined that there are records not exempt from disclosure, we will provide you with the cost of reproducing those records.

Sincerely,

Tiffany Criswell - Enforcement Program Manager Board for Professional Engineers, Land Surveyors, and Geologists 2535 Capitol Oaks Drive Ste 300, Sacramento CA 95833 (ph) 916.263.2273 (fax) 916.263.0899 www.bpelsg.ca.gov